

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:**

**CHAPTER 13 CASE NO:**

**ANNIE D. LESTER**

**19-12917-JDW**

**NOTICE OF TRUSTEE'S MOTION TO MODIFY CONFIRMED PLAN**

Should any party receiving this notice respond or object to said motion, such response or objection is required to be filed on or before March 3, 2019, using the CM/ECF system or with the Clerk of this Court at the following address:

Shallanda J. Clay, Clerk of Court  
U. S. Bankruptcy Court  
Northern District of Mississippi  
703 Highway 145 North  
Aberdeen, MS 39730

and a copy must be served on the undersigned Chapter 13 Trustee. If no responses are filed, the Court may consider said motion immediately after the time has expired. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

**CERTIFICATE**

I, the undersigned Attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the following attorneys of record and/or parties of interest.

Dated: January 30, 2020

LOCKE D. BARKLEY, TRUSTEE

/s/ Melanie T. Vardaman  
ATTORNEYS FOR TRUSTEE  
W. Jeffrey Collier (MSB 10645)  
Melanie T. Vardaman (MSB 100392)  
6360 I-55 North, Suite 140  
Jackson, Miss. 39211  
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IN THE UNITED STATES BANKRUPTCY COURT FOR  
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IN THE MATTER OF:

CHAPTER 13 CASE NO.:

ANNIE D. LESTER

19-12917-JDW

MOTION TO MODIFY CONFIRMED PLAN

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the “Trustee”) by and through counsel, and files this Motion to Modify Confirmed Plan. **The recipient(s) of this motion have 30 days, subject to Fed. R. Bankr. P. 9006(f), in which to file a response or objection.** In support of the Motion, the Trustee states as follows:

1. The Debtor’s Chapter 13 plan was confirmed by Order of this Court entered on January 13, 2020, for a term of sixty (60) months (Dkt. #44) (the “Confirmed Plan”). The Confirmed Plan does not provide for a distribution to nonpriority unsecured creditors.

2. On January 24, 2020, Marshall County Tax Collector (the “Creditor”) filed a Proof of Claim in the amount of \$692.44 (Clm #11-1) (the “Claim”) representing *ad valorem taxes* due for the 2018 and 2019 tax years. The Confirmed Plan does not include a provision for the Claim.

3. The Trustee requests that the Confirmed Plan be modified to add a special provision in Section 8.1 which indicates that the 2018 and 2019 taxes owed to the Creditor will be paid directly by the Debtor along with any future property taxes which become due.

4. The Debtor’s plan payment should remain unaltered.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and hearing that this Court enter its order granting the Motion and for such other relief to which Trustee and this bankruptcy estate may be entitled.

Dated: January 30, 2020

Respectfully submitted,

**LOCKE D. BARKLEY**  
**CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman  
ATTORNEYS FOR TRUSTEE  
W. Jeffrey Collier (MSB 10645)  
Melanie T. Vardaman (MSB 100392)  
6360 I-55 North, Suite 140  
Jackson, Miss. 39211  
(601) 355-6661  
ssmith@barkley13.com

**CERTIFICATE OF SERVICE**

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Marshall County Tax Collector  
Post Office Box 40  
Holly Springs, MS 38635

Dated: January 30, 2020

/s/ Melanie T. Vardaman  
MELANIE T. VARDAMAN